



UNITED STATES DEPARTMENT OF COMMERCE  
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Washington, D.C. 20231

DEAFCE-1994

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	
09582719			ATTORNEY DOCKET NO.

RECEIVED  
MAY 09 2003  
TECH CENTER 1600/2900

EXAMINER	
Michael Brannock	
ART UNIT	PAPER NUMBER
1646	19

DATE MAILED:

**Please find below a communication from the EXAMINER in charge of this application**

Commissioner of Patents

Applicant's response to the Office Action of 2/15/02 is noted, however, the reply filed on 1/3/03 is not fully responsive to the prior Office action. Applicant is again reminded that the specification makes reference to specific polynucleotide and polypeptide sequences; these references must contain a sequence identifier of the form: SEQ ID NO: X, see Figure 2, for example. Note: a sequence identifier relating to sequences in a figure may be present either in the figure or in the Brief Description of the Figures. Additionally, the computer readable form (CRF) of the new raw sequence listing was found to contain errors, see attached Raw Sequence Listing Error Report.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a)**. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the **SIX MONTH** statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Brannock, Ph.D., whose telephone number is (703) 306-5876. The examiner can normally be reached on Mondays through Fridays from 9:00 a.m. to 5:00 p.m.

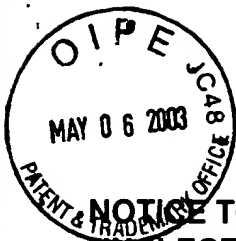
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, Ph.D., can be reached at (703) 308-6564

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Michael T. Brannock  
April 4, 2003

attach: RSL Error Report and Notice to Comply

*Yvonne Eyler*  
YVONNE EYLER, PH.D.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY



Application No.: 09582719

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the Raw Sequence Listing Error Report.
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_\_\_\_\_

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**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

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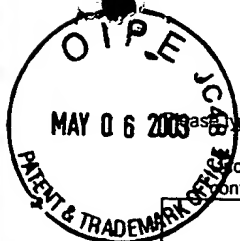
For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**



05-07-05

1640

PTO/SB/21 (12-97)

Approved for use through 9/30/00. OMB 0651-0031  
Patent and Trademark Office: U.S. Department of Commerce

Please type a plus sign (+) inside this box ☒

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (To be used for all correspondence after initial filing)	Application Number	09/582,719
	Filing Date	August 22, 2000
	First Named Inventor	Hoehe et al.
	Group Art Unit	1646
	Examiner Name	Michael T. Brannock
Total Number of Pages in This Submission	Attorney Docket Number	101195-2

22/3  
A.G.J.  
5/12/03  
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## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> To convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) -(please identify below):
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	return receipt postcard; diskette containing Sequence Listing; paper copy of Sequence Listing; copy of Notice to Comply with Requirements
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Small Entity Statement	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Request for Refund	
Remarks:		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Theodore A. Gottlieb NORRIS M. LAUGHLIN & MARCUS, P.A.
Signature	 Reg. No. 42,597
Date	May 6 2003

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner For Patents, Mail Stop Sequence, P.O. Box 1450, Alexandria, VA 22313, on May 6, 2003

Typed or printed name	Vilma I. Fernandez
Signature	
Date	May 6 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Hon. Commissioner of Patents, Washington, DC 20231.



**CERTIFICATION OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Hon. Commissioner For Patents, Mail Stop Sequence, P.O. Box 1450, Alexandria, VA 22313, on May 6, 2003.

  
Vilma I. Fernandez

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

SERIAL NO.	09/582,719
APPLICANT	Margret HOEHE et al.,
FILED	August 22, 2000
EXAMINER	M. T. Brannock
ART UNIT	1646
FOR	NOVEL SEQUENCE VARIANTS OF THE HUMAN BETA2-ADRENERGIC RECEPTOR AND USE THEREOF

**RECEIVED**

MAY 09 2003

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Hon. Commissioner of Patents  
United States Patent and Trademark Office  
Mail Stop Sequence  
P.O. Box 1450  
Alexandria, VA 22313

May 6, 2003

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT  
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE  
AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Sir:

This communication is in response to the above-named Notice mailed on April 7, 2003.

In addition to the submissions filed herewith, entry of any amendments and consideration of any remarks is respectfully solicited.

IN THE SPECIFICATION

Please replace the current sequence listing of record with the sequence listing submitted herewith.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

ITEMS BEING SUBMITTED

The checked boxes indicate the items enclosed herewith:

- ☒ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application, wherein each "Sequence Listing" is assigned a separate identifier as required in 37 CFR 1.821(c) and 37 CFR 1.822 and 1.823.
- ☒ An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 CFR 1.821(d).
- ☒ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 1.821(e) and 1.824.
- ☒ A statement under 37 CFR 1.821(g) that the content of each "Sequence Listing" submitted and each computer readable copy are the same.
- ☒ A statement under 37 CFR 1.821(g) that the submission includes no new matter.



A copy of the NOTICE TO COMPLY...SEQUENCE DISCLOSURES.



Other (provide description of items submitted)

**STATEMENT THAT "SEQUENCE LISTING"  
AND COMPUTER READABLE COPY ARE THE SAME  
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

I hereby state that each computer readable form submitted in this application, is the same as the paper copy of the "Sequence Listing" to which it is indicated to relate. All papers accompanying this submission, or for which a request for transfer from applicant's other application, introduce no new matter.

Respectfully Submitted,

**Norris, McLaughlin & Marcus**

220 East 42nd Street

New York, NY 10017

Telephone (212) 808-0700

Facsimile (212) 808-0844



Theodore Gottlieb, PhD

Reg. No. 42, 597